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PTO/SB/31 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

2032.2.1

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on 7/14/05

Signature

Typed or printed name

David J. McKenzie

In re Application of

Jim Freely

Application Number

10/668,830

Filed

Sept. 23, 2003

For

Device for protecting an object from encroaching elements

Art Unit

3635

Examiner

Basil S. Katchaves

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 500

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ 250

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. . I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.

Registration number

46,919

☐ attorney or agent acting under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a).

David J. McKenzie
Signature

David J. McKenzie
Typed or printed name

(801) 994-4646
Telephone number

7/14/05
Date

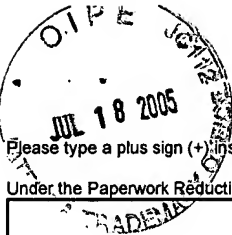
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ *Total of 2 forms are submitted.

This collection of information is required by 37 CFR 1.191. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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The PTO did not receive the following
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PTO/SB/05 (12/97)

Approved for use through 9/30/03. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL		Complete If Known	
		Application Number	10/668,830
<i>Note: Effective December 8, 2004. Patent fees are subject to annual revision.</i>		Filing Date	September 23, 2003
		First Named Inventor	Jim Freeby
		Group Art Unit	3635
		Examiner Name	Basil S. Katcheves
TOTAL AMOUNT OF PAYMENT	\$250	Attorney Docket Number	2032.2.1

METHOD OF PAYMENT (check one)		FEE CALCULATION (continued)			
1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account No.: _____ Deposit Account Name: _____ <input type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Charge the Issue Fee In 37 CFR at the Mailing of the Notice of Allowance		3. ADDITIONAL FEES			
2. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other					
FEE CALCULATION					
1. FILING FEE					
Large Entity Small Entity					
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1011	300	2011	150	Utility Filing Fee	
1111	500	2111	250	Utility Search Fee	
1311	200	2311	100	Utility Examination Fee	
1081	250	2081	125	Utility over 100 sheet fee per additional 50	
1085	250	2085	125	Provisional over 100 sheet fee per add. 50	
1005	200	2005	100	Provisional filing fee	
SUBTOTAL (1)					\$ 0
2. CLAIMS					
Total Claims -20 =		Extra 0	Fee from below 25	Fee Paid	
Ind. Claims -3 =		0	100		
Multiple Dep. Claims		0	180	0	
Large Entity Small Entity					
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	
1202	50	2202	25	Claims in excess of 20	
1201	200	2201	100	Independent claims in excess of 3	
1203	360	2203	180	Multiple dependent claim	
1204	200	2204	100	Reissue independent claims over original patent	
1205	50	2205	25	Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)				0	
SUBMITTED BY		Complete (if applicable)			
Typed or Printed Name David J. McKenzie		Reg. Number		46,919	
Signature		Date		Jul 14, 2005	
		Deposit Account User ID			